

*Appin. No.: 10/629,174
Amdt. dated 11/24/04
Reply to Office Action of 09/27/04*

REMARKS

Claims 1 and 3-7 are pending and remain for consideration. Claim 1 is amended herein.

The drawings are objected to under 37 C.F.R. § 1.83(a) for allegedly not showing every feature of the invention specified in the claims. Reconsideration of the objection is respectfully requested in view of the clarifying amendments to the claims. Specifically, claim 1 is amended herein in order to remove the objected to terms "frame" and "marker". Consequently, these features are no longer required to be specifically referenced in the drawings. Accordingly, it is respectfully submitted that the objection to the drawings is overcome.

Claims 1 and 3-7 are rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement. The Examiner believes that the term "frame" is unclear as recited in claim 1. Applicant respectfully disagrees. The term "frame" is well known to those of ordinary skill in the pertinent art. Nevertheless, as mentioned above, the term "frame" is no longer recited in amended claim 1. Accordingly, it is respectfully submitted that the § 112, first paragraph rejection with respect to claim 1 and its dependent claims 3-7 is overcome.

Claims 1 and 3-7 are rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. The Examiner believes that the terms "frame", "support surface mounted on the frame", "carriage mounted on the frame", and "marker" are unclear. Applicant respectfully disagrees that these terms are unclear. Such terms are well known to those of ordinary skill in the pertinent art. Nevertheless, these terms are no longer recited in amended claim 1. Accordingly, it is respectfully submitted that the § 112, second paragraph rejection with respect to claim 1 and its dependent claims 3-7 is overcome.

Claims 1, 6 and 7 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Publ. No. 2001/0045148 to Gerent et al. (hereinafter "Gerent").

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The rejection is traversed and reconsideration is respectfully requested, particularly in view of the clarifying amendments to the claims.

Gerent is directed to an apparatus for cutting and matching individual parts in a layup of material. The apparatus comprises a cutter table extending in a longitudinal direction and in a lateral direction for supporting the layup. The cutter table has a take-on end and a take-off end. A conveyor belt is mounted onto the cutter table for advancing the layup from the take-on end to the take-off end of the cutter table. A cutter beam is movable in the longitudinal direction along the cutter table. A cutter head is mounted onto the cutter beam and is movable with respect to the cutter beam in the lateral direction for cutting the individual parts from the layup. A camera is disposed on the cutter beam at an offset from the cutter head to define a tool offset between the camera and the cutter head. A computer controls the cutter head and the camera. The computer includes instructions for optimizing a process for matching various parts in the layup resulting in an increase of effective usable area of the cutter table and in increased efficiency in use of material in the layup.

Gerent, however, fails to teach or suggest a method for scanning and cutting sheet-type work material including nesting a pattern piece onto the work material while simultaneously cutting the previously nested pattern piece from the work material, as recited in claim 1 of the present application.

For an anticipation rejection to be appropriate, each and every element or limitation in a rejected claim must be shown in a single prior art reference used in the claim rejection. Because Gerent does not teach or suggest a method for scanning and cutting sheet-type work material including nesting a pattern piece onto the work material while simultaneously cutting the previously nested pattern piece from the work material, it cannot be maintained that Gerent anticipates claim 1. Moreover, because claims 6 and 7 each depend from and thereby incorporate the

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limitations of claim 1, these dependent claims are not anticipated by Gerent for at least the reasons set forth for claim 1.

Claims 3-5 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gerent in view of U.S. Patent No. 5,089,971 to Gerber (hereinafter "Gerber '971"). Claims 3-5 each ultimately depend from and thereby incorporate the limitations of claim 1. The rejection is traversed and reconsideration is respectfully requested, particularly in view of the clarifying amendments to the claims.

Gerber '971 is directed to a method and apparatus for cutting parts from hides from different shapes and sizes. A digitizer and a cutter are provided which make it possible to digitize a hide at one time on the digitizer and to then cut the hide at a later time on the cutter. The hide when spread on the supporting surface of the cutter is given a shape and location exactly corresponding to its shape and location on the supporting surface of the digitizer. Therefore, the digitized representation of each hide may be used to create an efficient cutting marker for the hide. The marker then can be used to cut the hide on the cutter without producing rejects or other cutting errors because of the location and shape of the hide on the supporting surface of the cutter not agreeing with those of the hide on the supporting surface of the digitizer. This arrangement allows keeping a large number of digitized hides in inventory and selecting from this inventory those hides which can be used most efficiently to produce the parts required to fill a given parts request.

Apparently, the Examiner believes that Gerber '971 mentions that a work material is a hide, that a vacuum generator draws work material against a support surface, and that a layer of impermeable material covers the work material. However, Gerber '971 does not teach or suggest a method for scanning and cutting sheet-type work material including nesting a pattern piece onto the work material while simultaneously cutting the previously nested pattern piece from the work material, as recited in claim 1 of the present application from which rejected claims

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3-5 each ultimately depend. Accordingly, the teaching of Gerber '971 does not materially add to the teaching of Gerent to render claims 3-5 obvious.

In view of the foregoing, it is respectfully submitted that claims 1 and 3-7 are in condition for allowance. All issues raised by the Examiner having been addressed, an early action to that effect is earnestly solicited.

No fees or deficiencies in fees are believed to be owed. However, authorization is hereby given to charge our Deposit Account No. 13-0235 in the event any such fees are owed.

Respectfully submitted,

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